

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4847 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

SANSAR SINGH

Versus

OIL & NATURAL GAS COMMISSION

Appearance:

MR IS SUPEHIA for Petitioners

MR RAJNI H MEHTA for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 30/06/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioners are praying for direction to the
respondents to give effect to the upgradation of

petitioners No.1 to 5 from 1.4.82 by extending all the benefits such as pay scale of Rs.750-1500 w.e.f. 1.4.82 and the revised pay scale of Rs.1030-2000 w.e.f. 1.8.1982, etc. So far as petitioners No.6 to 15 are concerned, prayer has been made for upgradation from 1.1.84 in the pay scale of Rs.1030-2000.

#. It is not in dispute that the petitioners were given upgradation with effect from 1.1.86. So they are claiming upgradation from the back date. The upgradation has been claimed on the basis that under the office order dated 14.2.85, seven senior Winch Officers similarly situated as petitioners were also given benefit of upgradation in the pay scale of Rs.750-1500 from the pay-scale of Rs.100-1480 with effect from 1.4.82. However, the learned counsel for the petitioners is not disputing that not a single person junior to the petitioners has been given upgradation prior to 1.1.86.

#. The learned counsel for the respondent No.3 Mr.Rajni Mehta submitted that upgradation has been given to those persons who have completed 18 years' service. On 1.4.82 as any of the petitioners had not completed 18 years' service they were not eligible for upgradation and rightly it has not been done. It is not a case of discrimination.

#. I find sufficient merits in this contention of learned counsel for the respondent No.3. The learned counsel for the petitioners is not disputing this argument that only on completion of 18 years of service, this benefit of upgradation was available and it is also not disputed that on 1.4.82, none of the petitioners had completed 18 years' service. In view of this fact, this claim of the petitioners is wholly misconceived. Whenever they complete 18 years' service, accordingly the upgradation shall be given to which no exception can be made. The learned counsel for the petitioners has failed to show and cite any case where the person of the category to which the petitioners belong has been given benefit of upgradation before he has completed 18 years' service.

#. In the result, this special civil application fails and the same is dismissed. Rule discharged. The petitioners are directed to pay Rs.2,000/= as costs of this petition to respondent No.3.

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(sunil)